



U.S. Department of Justice
Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

*425 I Street NW
Washington, DC 20536*

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MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Guidelines for INS Operations During Census 2000

During the year 2000, the Census Bureau will conduct the decennial census of all persons residing in the United States. The Immigration and Naturalization Service (INS) supports the Census Bureau's efforts to have full participation by all persons regardless of immigration status. While the Service will continue to enforce the immigration laws during the census period, steps will be taken to avoid adverse effects on census participation. Attached are detailed guidelines for INS field operations during Census 2000. Please review these guidelines carefully.

It is the longstanding view of the Department of Justice that the Constitution requires that all inhabitants of the United States, including illegal aliens, be enumerated in the census. It is generally believed that census counts taken in recent decades have undercounted the illegal alien population. The willingness of illegal aliens to participate in Census 2000 depends much on their confidence that INS will not be able to access the information collected. It is crucial that undocumented as well as documented aliens understand that they are expected to respond to census takers and questionnaires, and that there is no nexus between the census and INS enforcement activities.

Under law, census data for individuals and establishments receive confidential treatment. As required by the confidentiality provisions of Title 13, United States Code (U.S.C.), the Census Bureau may not give the INS access to any individually identifiable census data or information. See 13 U.S.C. §§ 8 & 9. The Department of Justice has determined that Section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which limits federal, state, and local authorities from restricting the exchange of immigration and citizenship information with the Service, does not abridge the protection given to census records.

Service officers shall under no circumstances seek, accept or use any census information in violation of 13 U.S.C. §§ 8 & 9.

During Census 2000, INS shall conduct its activities to support and encourage full participation in the census by all persons residing, legally or illegally, in all areas of the United States. INS managers will consider census activities when proposing and planning all operational activity. Interior enforcement activity must be planned and executed in a manner designed to minimize possible negative impact on the census. This includes avoiding actual interference with census workers and community-based census outreach sites, as well as avoiding any appearance that INS activities are linked to census operations. For example, conducting an enforcement operation shortly before or after census workers are active in a particular location could create the appearance that there is a connection between the two agencies. That perception may chill the willingness of some aliens to participate in the census. Census-related activities may not be used as a source of leads or intelligence-gathering for INS operations in any way.

Regional Directors must maintain close oversight of all enforcement activities throughout the national census period, with special consideration required during peak census activity periods. Further, Regional Directors must approve in advance any high visibility interior operations that might have an impact on census participation (see "Guidelines" 3 and 4). All other interior enforcement activity that might impact census participation must be approved at a level no lower than the Deputy District Director or Deputy Chief Patrol Agent.

"Peak Census 2000 activity period" is defined as the period during which census takers will visit the homes of those who did not respond by mail. Length of peak periods will vary based on the number of homes that must be visited in a given jurisdiction and cannot be determined until after the mailed responses have been received. Peak periods are expected to fall in May and June 2000, but in some areas they may begin as early as March or end as late as August 2000. Census Bureau regional representatives will establish contacts with their INS counterparts at the district level so that they can advise INS officials as soon as the dates of the peak period in each jurisdiction are decided. Census Bureau regional offices will contact INS district offices in the first quarter of calendar year 2000 to discuss timelines and census operations. Regional Directors should designate a point of contact at the regional level. The Deputy District Directors, Officers in Charge, and Deputy Chief Patrol Agents will serve as the points of contact for the districts, suboffices, and sectors.

All INS employees should be reminded that they are not to intentionally engage in conduct that would inhibit or deter persons from full participation in the census count. Field offices should share the INS position and guidelines for Census 2000 with local organizations

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and other Government agencies, placing special emphasis on the confidentiality of census data and the fact that there is no connection between census operations and INS enforcement activities.

Attachment

Guidelines for Immigration and Naturalization Service Enforcement Operations
During Census 2000

1. In keeping with established standards of conduct of INS employees, no officer or other employee of the INS shall deliberately or intentionally engage in any conduct that is intended to inhibit or deter any person or group of persons from the fullest possible participation in the upcoming Census 2000.
2. While the INS must continue to fulfill its mission to enforce the Immigration and Nationality Act and related civil and criminal provisions, enforcement operations during the period of the census should be planned and conducted to avoid adverse effects on census participation. These guidelines apply throughout the national census period, March through August, 2000.
3. Accordingly, the INS will minimize its visibility during peak Census 2000 activity periods, exercising particular consideration in primarily residential areas. "Residential areas" include all locations where individuals may reside and be counted, including migrant workers camps and shelters for people without housing, such as the homeless, runaways, or abused women and children. INS enforcement operations that may result in large numbers of arrests, other than standard patrols of the border and public transportation facilities, should not be planned in residential areas during Census 2000 enumeration. This does not preclude INS officers from entering residential areas in order to conduct ongoing investigations. Examples include following a load of smuggled aliens to a drop house, executing a warrant of arrest on a criminal alien in a residential area, or other activity related to organized crime, alien smuggling, or production or sale of fraudulent documents.
4. INS Regional Directors must concur in advance with any high visibility interior operations that might have an impact on census participation (e.g., where the size, scope or nature of the operation is likely to draw significant public attention). All other interior enforcement activity that might impact census participation must be approved at a level no lower than the Deputy District Director or Deputy Chief Patrol Agent. It is a longstanding policy that INS does not conduct neighborhood sweeps and care should be taken to avoid creating a public perception that such enforcement operations occur.
5. Press and public informational material shall be sensitive to the impression and impact such information may have on responses to the census. Press materials and statements referring to activities described in paragraph 4 of these guidelines must be coordinated with Yvette La Gonterie, INS Headquarters' Office of Field Operations, and Nancy Cohen, Office of Public Affairs, prior to release to the media.
6. Relationships shall be established and maintained at the headquarters, regional and district levels with Census Bureau counterparts so that procedures will be developed to resolve complaints, concerns, and rumors relating to INS operations during Census 2000.
7. Census enumeration records receive confidential treatment pursuant to Title 13 United States Code (U.S.C.) §§ 8 and 9. As required by these confidentiality provisions, the Census

Bureau may not give the Immigration and Naturalization Service access to any individually identifiable census data or information. INS officers shall under no circumstances seek, accept or use any census information in violation of 13 U.S.C. §§ 8 and 9. Further, census-related activity may not be used as a source of leads or intelligence-gathering for INS operations in any way.

8. Upon request, efforts should be made to communicate to the public that the INS will have no access whatsoever to information collected by the Census Bureau and that there is no connection between census participation and INS enforcement activities.